

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the outstanding Official Action dated 22 September 2004. Responsive to the objections and rejections made in that outstanding Official Action, Claim 1 has been amended to more clearly express, point out and distinctly claim the subject matter which the Applicant regards as his invention, as well as to more clearly distinguish the subject Patent Application device from the prior art. The currently amended Claim articulates more clearly the essential contiguous relation of the elements that is best illustrated in FIG. 3. No new subject matter has been introduced.

In the Official Action of 22 September 2004, the Examiner rejected Claim 1 under 35 U.S.C. §112, first paragraph for failure to be enabling. The confusing language of Claim 1 kindly identified by the Examiner has been corrected so as to avoid such confusing and ungrammatical errors. It is believed that the currently amended Claim 1 overcomes the Examiner's 35 U.S.C. §112 rejection.

The Examiner rejected Claim 1 further on the basis of 35 U.S.C. §102, as being anticipated by Gizowski (U.S. 6,139,737). The Examiner notes that Gizowski discloses a transmission fluid purifier comprising a hollow tubular holder 12, a tubular molecular rearranging device 18 positioned within the hollow tubular holder 12, a tubular isolating layer 14 that further includes an inner bore, and structures, unlabeled, said to represent two end caps. In contradistinction to

the Subject Application device claimed in its currently amended form, the magnetic body of Gizowski does not have “... *a magnet length substantially equal to said device length* ...”, an essential element of the currently amended claim. It is further apparent upon inspection of the Gizowski device that filter media 14 corresponding to the isolating layer of the present Subject Application system, which coincidentally is also numbered 14 in the subject Application, is not “... *positioned so that the outer isolator surface is in substantial contiguity with said magnet inner surface* ...”, an essential element of the currently amended claim. Insofar as the 35 U.S.C. §102 reference cited by the Examiner, Gizowski, fails to disclose and claim all essential elements of the subject Patent Application, it is the Applicant’s belief that the Examiner’s rejection on this basis has been overcome.

The Examiner further rejected Claim 1 on the basis of 35 U.S.C. §103(a), asserting that the subject Application device is obvious in view of Johnsson (U.S. 4,706,455) in view of Gizowski and Fleck (U.S. 4,979,364). The Examiner notes that Johnsson discloses a filtering device for a vehicle, unlike the magnetic purifier (or filter) of the subject Application claim. The Examiner’s statement that Johnsson discloses a “...*hollow tubular holder 11*...” seems perhaps to be a misreading. As referenced in column 2, line 18 *et. seq.*, Gizowski’s number 11 refers to a filter holder; the tubular isolating layer 23 referenced by the Examiner as being composed of a fiberglass material with an inner bore seems contradicted by the arrangement of elements seen in Fig. 3 wherein the filter holder 11 is seen

to encompass the band-shaped hose clamp 35 which further encompasses an O-ring 34 surrounding filter body 14. The filter itself, which fills the central interior aspect of the device, is disclosed as having a first filter portion such as fiberglass that fits *over the entire core section* of the sleeve, a second filter portion with active carbon, and a third filter portion of soda lime, together with a filter sheeting adjacent to the perforations on the cover. (Column 4, lines 44-50) Furthermore, the Johnsson reference in no way discloses, suggests or claims a hollow tubular holder contiguously positioned around a tubular molecular-rearranging magnet that further surrounds the tubular isolating layer; the essential coaxial and contiguous relationship of these elements is not in any way evident in the Johnsson reference.

As the Examiner points out, Fleck discloses that it is known for exhaust gas purifiers to include molecular-rearranging devices, however the elements in Fleck are not in a contiguous relationship, nor does Fleck disclose a central bore as found in the subject Application device. Fleck has almost all of his device filled with the filter. Additionally, the nature and form of the magnet in Fleck is neither tubular nor in direct contact with a tubular isolating layer as in the subject Patent Application device. While the subject Application device positions the tubular isolating layer in a way that protects the magnet and components from the heat of the exhaust and other potentially damaging fluids flowing through the device, Fleck actually incorporates a heating coil, sandwiched between ceramic sleeves

and support, and interposed between the magnet and the filter, to facilitate the catalytic degradation of filtered soot.

It is the Applicant's belief that none of the three references cited by the Examiner either discloses, claims, or suggests, alone or in combination, all of the essential elements of the currently amended subject Patent Application. It is thus the Applicant's belief that the subject Patent Application in its currently amended form overcomes the Examiner's 35 U.S.C. 103(a) rejection of Claim 1.

It is the Applicant's belief that the subject Patent Application has now been placed in condition for allowance and such action is respectfully requested.

Respectfully submitted,
(For: ROSENBERG, KLEIN & LEE)



Harry Sernaker
Registration #50,595
Dated: 12-17-2004

Suite #101
3458 Ellicott Center Drive
Ellicott City, MD 21043
(410) 465-6678